

HOUSE No. 288

By Mr. Pedone of Worcester, petition of Vincent A. Pedone relative to flea market venders. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO FLEA MARKET VENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 101 of the General Laws is
2 hereby amended by inserting the following after the word “regula-
3 tion”, in line 4, the following:

4 “Promoter”, a business or person who operates for the purpose of
5 either directly or indirectly, renting, leasing or granting a license to
6 use space to any vendor for the display for sale or for the sale of tan-
7 gible personal property or services.

8 “Tangible personal property”, personal property of any nature
9 consisting of any produce, goods, wares, merchandise and commo-
10 dities whatsoever, brought into, produced, manufactured or being
11 within the commonwealth.

12 “Usual business hours”, the time period or periods during which
13 similar businesses in the community conduct business.

1 SECTION 2. Said Section 1 is hereby further amended by
2 inserting after the words “traveling from place to place”, in line 8,
3 the following: “unless operating under a written agreement with a
4 licensed promoter.”

1 SECTION 3. Said Section 1 is hereby further amended by
2 inserting after the words “for a period of at least twelve consecutive
3 months in line 12 the following, “unless operating under a written
4 agreement with a licensed promoter.”

1 SECTION 4. Chapter 101 of the General Laws, as appearing in
2 the most recent edition, is hereby amended by adding the following
3 new section:

4 Section 3A. Every business or person, before commencing busi-
5 ness in the commonwealth as a promoter, shall make written applica-
6 tion, under oath, for a state license to the deputy director stating the
7 names and residences of the owners or parties in whose interest said
8 business is to be conducted. Upon the payment of a fee of no more
9 than two hundred dollars, the deputy director shall issue a state
10 license granting the authority to do business as a promoter. Such
11 license shall expire one year from the date thereof or on the day of
12 its surrender or of the filing of an affidavit of its loss, if it is earlier
13 surrendered or if such affidavit is earlier filed. Such license shall
14 contain a copy of the application therefore and shall not be transfer-
15 able.

1 SECTION 5. Said Chapter 101 of the General Laws is hereby
2 further amended by adding the following new section:

3 Section 3B. Every promoter licensed to conduct business as such
4 shall maintain a copy of the written operating agreement with each
5 vendor; documentation regarding the identity and location of each
6 vendor, including social security number or tax identification
7 number; and a general description of merchandise sold by each
8 vendor. The promoter shall maintain such records for a period of no
9 less than twelve months. The deputy director, acting upon a com-
10 plaint or request from law enforcement authorities, may request a
11 promoter to provide such records for review by him.